

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01606-TNM**

NATIONAL STUDENT LEGAL DEFENSE NETWORK v.
UNITED STATES DEPARTMENT OF EDUCATION
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 07/06/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**NATIONAL STUDENT LEGAL
DEFENSE NETWORK**

represented by **Martha Upton Fulford**
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TERMINATED: 05/01/2019
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PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
EDUCATION**

represented by **Benton Gregory Peterson**
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Date Filed	#	Docket Text
07/06/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF EDUCATION (Filing fee \$ 400 receipt number 0090-5574500) filed by NATIONAL STUDENT LEGAL DEFENSE NETWORK. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Civil Cover Sheet, # <u>7</u> Summons)(Upton Fulford, Martha) (Entered: 07/06/2018)
07/06/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by NATIONAL STUDENT LEGAL DEFENSE NETWORK (Upton Fulford, Martha) (Entered: 07/06/2018)
07/06/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Alexander S. Elson, :Firm- National Student Legal Defense Network, :Address- 1015 15th Street NW #600, Washington, D.C. 20005. Phone No. - (202) 734-7495. Filing fee \$ 100, receipt number 0090-5574607. Fee Status: Fee Paid. by NATIONAL STUDENT LEGAL DEFENSE NETWORK (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)(Upton Fulford, Martha) (Entered: 07/06/2018)
07/06/2018		Case Assigned to Judge Trevor N. McFadden. (zjd) (Entered: 07/06/2018)
07/06/2018	<u>4</u>	SUMMONS (1) Issued Electronically as to UNITED STATES DEPARTMENT OF EDUCATION. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 07/06/2018)
07/06/2018		MINUTE ORDER granting the <u>3</u> Motion for Leave to Appear Pro Hac Vice of Attorney Alexander S. Elson. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 7/6/2018. (lctnm2) (Entered: 07/06/2018)
07/13/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/13/2018. (Answer due for ALL FEDERAL DEFENDANTS by 8/12/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/13/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF EDUCATION served on 7/12/2018 (Attachments: # <u>1</u> Exhibit A)(Elson, Alexander) (Entered: 07/13/2018)
08/13/2018	<u>6</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF EDUCATION.(Haynes, Fred) (Entered: 08/13/2018)
08/15/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the Joint Status Report on or before September 6, 2018. Signed by Judge Trevor N. McFadden on 8/15/2018. (lctnm2) (Entered: 08/15/2018)
08/16/2018		Set/Reset Deadlines: Joint Status Report due by 9/6/2018. (hmc) (Entered: 08/16/2018)
09/06/2018	<u>7</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION. (Haynes, Fred) (Entered: 09/06/2018)
09/10/2018		NOTICE OF HEARING: The parties shall take notice that a Status Conference is set for 9/26/2018, at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 09/10/2018)
09/26/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 9/26/2018. Parties shall file a Joint Status Report by 11/26/2018, and every two months thereafter. (Court Reporter: Patricia Kaneshiro-Miller.) (hmc) (Entered: 09/26/2018)

11/26/2018	<u>8</u>	Consent MOTION for Extension of Time to File <i>the Parties' Joint Status Report</i> by UNITED STATES DEPARTMENT OF EDUCATION (Haynes, Fred) (Entered: 11/26/2018)
11/28/2018		MINUTE ORDER granting <u>8</u> parties' Motion for Extension of Time. Upon consideration of the parties' <u>8</u> Consent Motion for Extension of Time to File Joint Status Report, it is hereby ordered that the parties shall file a Joint Status Report no later than November 30, 2018. Signed by Judge Trevor N. McFadden on 11/28/2018. (lctnm2) Modified on 11/28/2018 (hmc). (Entered: 11/28/2018)
11/28/2018		Set/Reset Deadlines: Joint Status Report due by 11/30/2018. (hmc) (Entered: 11/28/2018)
11/30/2018	<u>9</u>	Consent MOTION for Extension of Time to File <i>Joint Status Report</i> by UNITED STATES DEPARTMENT OF EDUCATION (Haynes, Fred) (Entered: 11/30/2018)
12/06/2018		MINUTE ORDER granting <u>9</u> Motion for Extension of Time to File Joint Status Report. Upon consideration of the parties' <u>9</u> Consent Motion for Extension of time, it is hereby ordered that the parties shall file a Joint Status Report on or before December 14, 2018. Signed by Judge Trevor N. McFadden on 12/6/2018. (lctnm2) (Entered: 12/06/2018)
12/06/2018	<u>10</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/6/2018. (lctnm2) (Entered: 12/06/2018)
12/06/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (hmc) (Entered: 12/06/2018)
12/17/2018	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION. (Haynes, Fred) (Entered: 12/17/2018)
12/19/2018		MINUTE ORDER. Upon consideration of the parties' <u>11</u> Joint Status Report, it is hereby ordered that parties shall file a further Joint Status Report on or before January 14, 2019. Signed by Judge Trevor N. McFadden on 12/19/2018. (lctnm2) (Entered: 12/19/2018)
12/20/2018		Set/Reset Deadlines: Joint Status Report due by 1/14/2019. (hmc) (Entered: 12/20/2018)
01/14/2019	<u>12</u>	Consent MOTION for Extension of Time to File <i>the Parties' Joint Status Report</i> by NATIONAL STUDENT LEGAL DEFENSE NETWORK (Elson, Alexander) (Entered: 01/14/2019)
01/15/2019		MINUTE ORDER granting <u>12</u> Plaintiff's Motion for Extension. Upon considering the Plaintiff's <u>12</u> Motion for Extension of Time to File a Joint Status Report, it is hereby ordered that the Motion is granted. The parties shall file a Joint Status Report within seven days of Congress restoring appropriations to the Department of Justice. Because the Department of Education is unaffected by the current lapse in appropriations, it is further ordered that the Department must continue to fulfill its production obligations. Signed by Judge Trevor N. McFadden on 1/15/2019. (lctnm2) (Entered: 01/15/2019)
02/04/2019	<u>13</u>	Joint STATUS REPORT by NATIONAL STUDENT LEGAL DEFENSE NETWORK. (Elson, Alexander) (Entered: 02/04/2019)
02/05/2019		MINUTE ORDER. Upon considering the parties' <u>13</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on March 1, 2019. The Joint Status Report should advise the Court of the status of the Defendant's processing of the Plaintiff's FOIA request and propose a schedule for proceeding in this matter. Signed by Judge Trevor N. McFadden on 02/05/2019. (lctnm2) (Entered: 02/05/2019)
02/05/2019		Set/Reset Deadlines: Joint Status Report due by 3/1/2019. (hmc) (Entered: 02/05/2019)
02/28/2019	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF EDUCATION. (Haynes, Fred) (Entered: 02/28/2019)
03/01/2019		MINUTE ORDER. Upon considering the parties' <u>14</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before March 28,

		2019. The Joint Status Report should advise the Court of the status of the Defendant's processing of the Plaintiff's FOIA request and propose a schedule for proceeding in this matter. Signed by Judge Trevor N. McFadden on 3/1/2019. (lctnm2) (Entered: 03/01/2019)
03/01/2019		Set/Reset Deadlines: Joint Status Report due by 3/28/2019. (hmc) (Entered: 03/01/2019)
03/28/2019	<u>15</u>	STATUS REPORT by NATIONAL STUDENT LEGAL DEFENSE NETWORK. (Elson, Alexander) (Entered: 03/28/2019)
04/01/2019		MINUTE ORDER. Upon considering the parties' <u>15</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before May 31, 2019, and every 60 days thereafter. The Joint Status Report should advise the Court of the status of the Defendant's processing of the Plaintiff's FOIA request and propose a schedule for proceeding in this matter. Signed by Judge Trevor N. McFadden on 04/01/2019. (lctnm2) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Joint Status Report due by 5/31/2019, and every 60 days thereafter. (hmc) (Entered: 04/01/2019)
05/01/2019	<u>16</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to NATIONAL STUDENT LEGAL DEFENSE NETWORK. Attorney Martha Upton Fulford terminated. (Upton Fulford, Martha) (Entered: 05/01/2019)
05/31/2019	<u>17</u>	Joint STATUS REPORT by NATIONAL STUDENT LEGAL DEFENSE NETWORK. (Elson, Alexander) (Entered: 05/31/2019)
06/03/2019		MINUTE ORDER. Upon considering the parties' <u>17</u> Joint Status Report, the parties are hereby ordered to appear for a status conference on July 9, 2019 at 10 am in Courtroom 2 before Judge Trevor McFadden. Signed by Judge Trevor N. McFadden on 06/03/2019. (lctnm2) (Entered: 06/03/2019)
06/03/2019		Set/Reset Hearings: Status Conference set for 7/9/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 06/03/2019)
07/08/2019	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Diana Viggiano Valdivia on behalf of UNITED STATES DEPARTMENT OF EDUCATION Substituting for attorney Fred Haynes (Valdivia, Diana) (Entered: 07/08/2019)
07/08/2019	<u>19</u>	Joint STATUS REPORT <i>and Consent Motion to Vacate July 9, 2019, Status Conference</i> by UNITED STATES DEPARTMENT OF EDUCATION. (Valdivia, Diana) (Entered: 07/08/2019)
07/08/2019		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report and Consent Motion to Vacate, it is hereby ordered that the status conference set for July 9, 2019 is vacated. It is further ordered that the parties shall file a further Joint Status Report on or before October 7, 2019. The Joint Status Report should advise the Court whether there are any issues remaining regarding the third-party submission and update the Court on the status of the Defendant's processing of the Plaintiff's FOIA request. The parties are further ordered to appear for a status conference before Judge Trevor N. McFadden on October 10, 2019 at 10 am in Courtroom 2. Signed by Judge Trevor N. McFadden on 07/08/2019. (lctnm2) (Entered: 07/08/2019)
07/08/2019	20	MOTION to Vacate July 9, 2019 Status Conference by UNITED STATES DEPARTMENT OF EDUCATION. (See Docket Entry <u>19</u> to view document) (tth) (Entered: 07/09/2019)
07/09/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/7/2019; Status Conference scheduled for 10/10/2019, at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (tg) (Entered: 07/09/2019)
07/09/2019	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Benton Gregory Peterson on behalf of UNITED STATES DEPARTMENT OF EDUCATION Substituting for attorney Diana Valdivia (Peterson, Benton) (Entered: 07/09/2019)
10/07/2019	<u>22</u>	Joint STATUS REPORT by NATIONAL STUDENT LEGAL DEFENSE NETWORK. (Elson, Alexander) (Entered: 10/07/2019)

10/07/2019		MINUTE ORDER. Upon consideration of the <u>22</u> Joint Status Report and Consent Motion to Vacate, it is hereby ordered that the status conference set for October 10, 2019, is VACATED. The parties shall file a further Joint Status Report on or before December 17, 2019. The Joint Status Report should advise the Court whether there are any remaining issues to litigate. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/7/2019. (lctnm2) (Entered: 10/07/2019)
10/07/2019	23	MOTION to Vacate by NATIONAL STUDENT LEGAL DEFENSE NETWORK. (See Docket Entry <u>22</u> to view document). (ztth) (Entered: 10/08/2019)
10/08/2019		Set/Reset Deadlines: Joint Status Report due by 12/17/2019. (hmc) (Entered: 10/08/2019)